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# ADS Chapter 480

## Leave

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**Functional Series 400 – Personnel****ADS 480 – Leave**POC for ADS 480: Joann Jones, (202) 712-5048, [JoJones@usaid.gov](mailto:JoJones@usaid.gov)**Table of Contents**

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**ADS 480 – Leave****480.1 OVERVIEW**

Effective Date: 12/15/1999

This chapter covers the administration of paid and unpaid leave for all U.S. direct hire employees, Foreign Service (FS), Senior Foreign Service (SFS), Senior Executive Service (SES), and Civil Service (CS) including experts and consultants serving under appointments of 90 days or more, except as specifically noted. Employees not covered by this chapter are:

- Part-time employees who do not have established regular tours of duty during the administrative workweek;
- Persons appointed by the President and paid in accordance with the Executive Pay Schedule, i.e., EX I through EX V; and
- Mission Directors, Deputy Mission Directors, USAID Representatives, and USAID Affairs Officers, if exempt from the leave laws under the policies outlined in 480.3.9. (See **480.3.9**)

**480.2 PRIMARY RESPONSIBILITIES**

Effective Date: 12/15/1999

**a. The Administrator** is responsible for delegating authority to act as a decision officer.

**b. The employee** is responsible for:

- (1)** Reviewing the employee's leave record early in the leave year, taking into account leave to be accrued during the leave year. By March 31, providing the supervisor with a tentative leave schedule for all leave subject to forfeiture by the end of the leave year.
- (2)** Submitting an Application for Leave or Approved Absence (OPM Form 71), in advance, to the employee's supervisor.
- (3)** Ensuring personal leave balance is adequate to cover leave requested.
- (4)** Notifying supervisor promptly, upon return to duty, of a period of sickness during approved annual leave, and requesting that sick leave be substituted for approved annual leave.
- (5)** Requesting, in writing, the restoration of approved leave that is canceled due to exigencies of the public business and cannot be rescheduled for use during the last three pay periods of the leave year.

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(6) Submitting a written request for restoration of forfeited annual leave, if leave was forfeited due to exigency of the public business or administrative error, to be received by the appropriate AMS no later than April 1, following the end of the leave year.

(7) Submitting a written request to supervisor for restoration of leave forfeited due to sickness of the employee, as soon as possible after the loss. Providing medical certificate or signed personal statement, as appropriate, upon return to work.

**c. Approving officer or supervisor** is responsible for:

(1) Administering leave schedules throughout the leave year for subordinates, and encouraging employees to plan and use leave.

(2) Approving/disapproving employees' leave requests within a reasonable time of submission. If disapproved, rescheduling leave on an OPM Form 71 at a mutually agreeable time.

(3) Certifying to Administrative Management Staff (AMS) by April 1 that all employees in the organizational unit have scheduled leave subject to forfeiture for use throughout the leave year.

(4) Canceling scheduled leave when the decision officer issues a written determination that an exigency of the public business exists and there is no alternative to cancellation. Preparing a statement of facts concerning the exigency, including inclusive dates.

(5) Rescheduling, prior to the beginning of the third pay period before the end of the leave year, any approved leave which was canceled.

(6) Approving restoration of annual leave forfeited due to sickness when the employee followed the proper procedures.

(7) Maintaining all original copies of documentation supporting leave requests and cancellations.

(8) Sending the request to the Bureau for Management, Office of the Chief Financial Officer, Payroll Division (M/CFO/P), specifying the number of hours to be restored, when an employee's request for restoration is approved.

**d. Administrative Management Staff (AMS)** is responsible for:

(1) Verifying that employees requesting restoration of forfeited leave met all procedural requirements.

*\*Text highlighted in yellow indicates that the adjacent material is new or substantively revised.*

(2) Taking appropriate action on restoration request no later than May 1 following the end of the leave year in which forfeited.

e. **Overseas Executive Officer** is responsible for forwarding employees' requests for restoration to the appropriate AMS.

f. **Decision officer** is responsible for determining that an exigency of the public business exists and agreeing with cancellation of scheduled leave.

g. **Assistant Administrators and heads of directorates and independent offices** are responsible for approving/disapproving requests for restoration of leave forfeited due to exigency of the public business or administrative error.

h. The **Bureau for Management, Office of the Chief Financial Officer (M/CFO)**, is responsible for:

(1) Conducting leave audits.

(2) Notifying the employee of the number of hours to be restored and the time limitation for use, and sending a copy to the employee's timekeeper.

(3) Establishing a separate leave account for an employee whose restoration request has been approved.

### 480.3 **POLICY DIRECTIVES AND REQUIRED PROCEDURES**

Effective Date: 12/15/1999

The statements contained within the .3 section of this ADS chapter are the official Agency policies and corresponding essential procedures.

#### 480.3.1 **Leave**

Effective Date: 10/05/2011

For more information on crediting prior service for determining the annual leave accrual rate, please see the [480mab, Provision for Crediting Prior Service for Determining Annual Leave Accrual Rate](#) or [480mag, New Provision for Crediting Prior Service for Determining Annual Leave Accrual Rate](#).

For information about use of sick leave for family care or bereavement purposes, see [480mah, Changes to Use of Sick Leave for Family Care or Bereavement Purposes](#).

For new leave-related definitions, please see [480mac, New Definitions of Family Member, Immediate Relative, and Related Terms for Leave Purposes](#).

For more information on USAID's leave policies, please see [472mae, Recent Developments in Human Resources Policy: CS 10-Day Excused Absence](#).

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**Emergency Visitation Travel (EVT), Assisting Members of Households (MOHs), Overtime Work, and Family and Medical Leave.**

For more developments in USAID policy on leave, please see [472maf, Recent Developments in Leave.](#)

The Foreign Affairs Manual (FAM) and the associated Foreign Affairs Handbook (FAH) cover most leave situations for USAID employees. Where differences exist between the FAM/FAH and Agency specific policy and essential procedures, this ADS chapter shall have precedence.

**480.3.2 Annual Leave**

Effective Date: 12/15/1999

An employee has an absolute right to use annual leave, assuming the employee followed prescribed procedures for requesting leave and subject to the right of the approving officer to fix the time at which leave may be taken, i.e., subject to the needs of the work unit. (See [3 FAM 3410](#))

**480.3.2.1 Scheduling, Requesting, Approving, and Canceling Annual Leave**

Effective Date: 12/15/1999

Employees shall schedule annual leave in advance according to the procedures outlined in 3 FAM 3413 and as supplemented below. (See [3 FAM 3413](#))

A request for leave must be considered based on the need for the employee's services; leave may not be denied or canceled for arbitrary or capricious reasons, such as for disciplinary or punitive actions.

- a. All annual leave must be officially scheduled in advance using the Application for Leave or Approved Absence (OPM Form 71). The minimum charge for annual leave is one hour and additional charges are in multiples of one hour.
- b. An employee who will have leave subject to forfeiture at the end of the leave year must submit an OPM Form 71 for all leave subject to forfeiture prior to the beginning of the third pay period before the end of the leave year. An employee who chooses not to submit an OPM Form 71 or to use previously approved leave to avoid forfeiture is not entitled to have the forfeited leave restored; such leave is considered voluntarily lost.
- c. Supervisors must give priority to leave requests by employees who have leave subject to forfeiture.
- d. Approved leave subject to forfeiture may not be canceled unless the decision officer determines in advance of the cancellation that an exigency of the public business exists and there is no alternative to cancellation. The

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determination must be justified in writing at the time it is made.

**e.** Annual leave shall not be retroactively substituted for sick leave to avoid forfeiture.

**f.** Leave subject to forfeiture may only be canceled in the case of an exigency of the public business or illness of the employee.

**(1)** If the cancellation is due to an exigency of the public business, the decision officer must have made a written determination in advance of the cancellation explaining that an exigency existed and that there was no alternative to canceling the employee's leave.

**(2)** If the cancellation is due to illness of the employee, the approving officer's statement must indicate that the employee properly notified the office of the need for sick leave and submitted an OPM Form 71 or a doctor's individual certificate. If medical attention was not necessary, the documentation must include a signed statement by the employee indicating the nature of the sickness.

#### **480.3.2.2 Annual Leave Accumulation Ceilings**

Effective Date: 12/15/1999

Unused annual leave accrued by an employee shall accumulate for use in succeeding leave years until it totals not more than the ceilings allowed for in 5 CFR 630.301 and 5 CFR 630.302. (See Mandatory References, 5 CFR 630.301 and 5 CFR 630.302) Earned leave in excess of the employee's leave ceiling at the beginning of a new leave year is forfeited.

**a.** Senior Executive Service (SES) and Senior Foreign Service (SFS) employees: These employees are subject to a leave ceiling of 720 hours. A "grandfather provision" permits current SES/SFS employees with accumulated annual leave that exceeds 720 hours as of October 13, 1994, to retain their excess annual leave in their personal leave ceilings.

**b.** Employees currently assigned to overseas positions: These employees are subject to a leave ceiling of 360 hours.

**c.** Employees assigned to positions in the United States: These employees are subject to a leave ceiling of 240 hours.

**d.** Employees previously assigned to an overseas position: At the time of official reassignment to a position in the United States, an employee's leave balance in excess of 240 hours (but not exceeding 360 hours) becomes that employee's new leave ceiling.

**e.** Senior Executive Service (SES) and Senior Foreign Service (SFS)

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employees: The amount of "grandfathered" annual leave credited to a USAID SES/SFS employee's personal leave ceiling is based on the amount of annual leave accumulated by the employee as of the end of pay period 20 in 1994. At the beginning of subsequent leave years this personal leave ceiling will be reduced if the actual leave balance falls below the employee's personal leave ceiling, but will not be reduce below 720 hours.

- f. Employees previously assigned to an overseas position: At the beginning of each subsequent leave year that the employee is assigned to a position in the United States, the employee's leave ceiling is reduced to the employee's actual leave balance or the prior year's leave ceiling, whichever is less. Under no circumstances shall the leave ceiling of an employee in this category exceed the leave balance at the time the employee was reassigned to a position in the United States, or 360 hours, whichever is less.

#### **480.3.2.3 Restoring Annual Leave Subject to Forfeiture**

Effective Date: 12/15/1999

The Agency shall only allow annual leave to be restored when it was scheduled in advance and forfeited due to:

- Administrative Error;
- Exigency of the Public Business; or
- Illness of the Employee.

The Administrator or the Administrator's designee acts as the decision officer for the determination of an exigency of the public business. A designated decision officer must not be an employee whose leave is affected by the decision.

The Bureau for Management, Office of the Financial Officer, Payroll Division (M/CFO/P) makes the final determinations on the amount of forfeited annual leave to be restored, based on a review of the documentation required in this section and an audit of the employee's leave records.

- a. Administrative Error: Annual leave forfeited due to administrative error through no fault of the employee may be restored on a continuing basis. There are two kinds of administrative errors:

(1) A non-discretionary regulation was not carried out (e.g., the approving officer failed to schedule the leave the employee requested on an OPM Form 71) or, if not possible to approve for the time requested, at some other mutually acceptable time;

(2) A time and attendance error identified by leave audit or by the

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employee. If identified by the employee, the employee must request, through the timekeeper, a leave audit by M/CFO/P, providing the period of time involved with exact dates, and the reasons for the leave audit request.

If official records are available to substantiate the amount of forfeited leave to be restored, M/CFO/P must decide the claim, and inform the employee in writing of its decision. If official records are not available, an estimate of the employee's leave account is acceptable. The request shall include the approving officer's statement, including verification of the factors forming the basis for the estimate from the timekeeper and/or supervisor who knows about the error.

**b. Exigency of the Public Business:** The decision officer must have made a written determination, in advance of cancellation of the employee's annual leave, that an exigency of the public business existed and that there was no alternative to cancellation of that leave. The annual leave forfeited must be documented with an OPM Form 71 originally approved before the start of the third biweekly pay period prior to the end of the leave year. The approving officer must supply a signed and dated statement describing in detail the reason(s) and inclusive dates that the leave was canceled. The request must include:

- (1) The original, approved OPM Form 71;
- (2) The decision officer's determination; and
- (3) The approving officer's statement.

Overseas employees submit requests to the post Executive Officer for forwarding to the appropriate AMS at USAID/W; USAID/W employees submit requests through the supervisor to their AMSs.

**c. Illness of the Employee:** Annual leave may be restored if it was forfeited due to the illness of the employee that occurred so late in the leave year or was of such duration that scheduled annual leave was not rescheduled prior to the end of the leave year. The annual leave that was canceled must be approved on an OPM Form 71 and dated before the start of the third biweekly pay period prior to the end of the leave year. As soon as possible after the forfeiture of leave becomes a matter of record, the employee must forward a restoration request. The request must include:

- (1) The approved OPM Form 71 for sick leave in lieu of previously approved request for annual leave;
- (2) An amended Time and Attendance Report (Form AID 760-10); and
- (3) The approving officer's written statement approving the employee's

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request for restoration of annual leave.

#### **480.3.2.4 Time Limit for Use of Restored Annual Leave**

Effective Date: 12/15/1999

The employee within the time limits defined below must use restored annual leave.

**a.** Exigency, Sickness, Administrative Error: Annual leave restored due to exigency of the public business, sickness, or administrative error must be scheduled and used no later than the end of the leave year ending two years after:

**(1)** The date of restoration of the leave forfeited because of administrative error;

**(2)** The date fixed by the decision officer as the termination date of the exigency of the public business, which resulted in the forfeiture;

**(3)** The date the employee is determined to be recovered and able to return to duty if the leave was forfeited due to sickness; or

**(4)** The date that M/CFO/P verifies that leave was forfeited because of and error in the records.

**b.** Extended Exigency of the Public Business: Leave restored due to extended exigency must be scheduled and used within a time period that equals twice the number of full calendar years, or parts thereof, that the exigency existed. This time period begins at the beginning of the leave year following the leave year in which the decision officer determined the exigency is ended.

**c.** Former Missing Employees: The Office of Personnel Management (OPM) determines time limits on a case-by-case basis.

#### **480.3.2.5 Disposition of Unused Restored Annual Leave**

Effective Date: 12/15/1999

An employee shall receive a lump-sum payment for the unused restored leave not used before separation, if separation occurs before the end of the specified time limit for use. The payment is at the rate in effect at the time of separation.

Upon transfer to another Federal agency an employee's restored leave transfers to that agency. Employees transferring to international organizations receive a lump-sum payment for unused restored leave, if the transfer occurs before the end of the specified time limit for use.

Restored leave that is not used within the specific time limit, transferred, or included in a lump-sum payment is forfeited and will not be restored again.

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#### **480.3.2.6 Mandatory Approval of Annual Leave Requests**

Effective Date: 12/15/1999

The supervisor must approve leave in the following cases, provided the employee follows leave procedures and submits documentation acceptable to the Agency:

- a.** A disabled veteran, providing the employee submits medical certification that medical treatment is required; and
- b.** A member of a reserve component of the Armed Forces or the National Guard who is ordered to an initial period of active duty for training of no fewer than three consecutive months. The Agency has the option of granting annual leave, Leave without Pay (LWOP), or furloughing the employee.

#### **480.3.2.7 Advance Annual Leave**

Effective Date: 12/15/1999

The Agency complies with the policies on advance annual leave (also called unearned leave) as stated in 3 FAM 3415 and as elaborated below. (See [3 FAM 3415](#)) An employee appointed for 90 days or longer may request to have annual leave advanced not in excess of the amount the employee will earn during the remainder of the leave year, or the amount which will accrue up to the expiration date of the appointment, whichever occurs first.

Applications for advance annual leave are considered upon the merits of the individual case. Absence for a period in excess of the amount of annual leave earned, unless approved as advance annual leave, shall be approved as LWOP.

Requests for advance annual leave are initiated by the employee who submits a written request to the supervisor providing the employee's Social Security number, the number of advance hours requested, and the beginning and ending dates of the period covered. An employee must not be advanced annual leave when it is known or reasonably expected that the employee will not return to duty.

An employee may, with the consent of the Agency, arrange to refund advanced annual leave in cash if such an arrangement is mutually agreeable and administratively feasible. The pay rate applicable to refund is that rate which was in effect at the time that the advanced annual leave was taken.

The refund of advanced annual leave does not apply when the employee:

- Dies;
- Retires for disability; or
- Resigns or is separated because a disability prevents the employee from

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returning to or continuing active duty, and the Agency determines there is sufficient medical evidence for the separation.

#### **480.3.2.8 Refunding Leave Erroneously Credited or Used**

Effective Date: 12/15/1999

M/CFO/P must issue a notice of repayment to an employee who is erroneously credited leave or who used leave in excess of the amount to which the employee is entitled.

Refund of erroneously credited or used annual leave may be made by:

- a.** Lump-sum payment in dollars equivalent to the dollar value of the leave at the time it was used;
- b.** Installment payments in dollars (with interest charges at current Treasury rates applicable);
- c.** One-time payment in an amount equivalent to accrued annual leave; or
- d.** A debit carried forward as a charge against annual leave earned in the following year.

#### **480.3.2.9 Separation/Reemployment Provisions**

Effective Date: 12/15/1999

Upon separation, an employee is entitled to payment for all leave credited, which includes the regular carry-over balance from the previous leave year, leave accrued and unused during the current leave year, and unused restored leave subject to time limits.

In the event of reemployment, see ADS 470 or ADS 471, as appropriate. (See [ADS 470](#) and [471](#))

If an administrative error that resulted in leave forfeiture is discovered after an employee separates from Federal service and the separation occurred on or after December 14, 1973, the former employee is entitled to a lump-sum payment for the forfeited leave.

- a.** The administrative error may have occurred at any time during the employment period, but the leave accumulation for error correction purposes is limited to that which otherwise would have been earned after June 30, 1960.
- b.** The former employee, or someone acting on the employee's behalf, must file a claim for payment with the Controller, M/CFO, within three years immediately following the date of discovery of the error. If the error is discovered by the Agency, M/CFO/P shall initiate appropriate action.

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**480.3.3 Sick Leave**

Effective Date: 10/05/2011

For information on the H1N1 Influenza, please refer to [480mad, Leave Flexibilities for Employees Affected by H1N1 Influenza](#).

The Agency's policies and essential procedures for the accrual, approval, and charging of sick leave conform to 3 FAM 3420, and implementing guidelines and procedures contained in 3 FAH-1 H-3420. (See [3 FAM 3420](#) and [3 FAH-1 H-3420](#))

**480.3.4 Buy Back of Leave**

Effective Date: 12/15/1999

An employee may use sick leave and/or annual leave during a period of absence due to an on-the-job injury or illness. If a claim for compensation is approved by the Office of Workers' Compensation Programs, the employee may buy back all or part of the leave used and have it reinstated to the employee's account.

**480.3.5 Home Leave**

Effective Date: 10/05/2011

For more information on the home leave policy, please refer to [436maa, New Home Leave Policy for 12-Month Overseas Assignments](#).

The Agency's policies and essential procedures for the accrual, approval, and charging of home leave generally conform to 3 FAM 3430 and implementing guidelines and procedures contained in 3 FAH-1 H-3430. (See [3 FAM 3430](#) and [3 FAH-1 H-3430](#)) When USAID has unique policies or when differences between USAID policy and 3 FAM 3430 occur, this chapter has precedence.

**480.3.5.1 Effect of Resident-Hire or Part-Time Employment**

Effective Date: 12/15/1999

A resident-hire employee is not eligible to accrue or use Home leave unless the employee established eligibility to earn Home leave under a regular FS appointment. If eligibility is established, the employee continues to accrue Home leave and may be authorized Home leave on a one-time basis upon completion of the initially prescribed tour of duty as a regular employee, if the post has approved return to post in a full-time, resident-hire position.

**480.3.5.2 Travel of Dependents**

Effective Date: 12/15/1999

Except as provided in 3 FAM 3432.2, dependents may not travel at government expense prior to the employee's eligibility for Home leave travel and issuance of Home

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leave orders. (See [3 FAM 3432.2](#)) Normally, the family members travel with the employee, but dependents may travel before or after the employee provided the employee meets the minimum period of service to qualify for Home leave. Travel is authorized from the post or any place abroad where presence is due to government orders to the Home leave residence specified on the employee's Residence and Dependency Statement (Form OF 126) and return to the employee's official duty station.

#### **480.3.5.3 Home Leave Followed by an Assignment Abroad**

Effective Date: 12/15/1999

Both the employee and family members will take a minimum of no fewer than 20 workdays of home leave. Exceptions for fewer than the minimum based on needs of the Agency or compelling personal needs (e.g., beginning of school year) may be made for the employee and/or family members. The request for an exception must be approved by the Director, Office of Human Resources (OHR), Bureau for Management or the Inspector General (IG) prior to the employee's departure from post.

Extensions beyond the 45-workday maximum for the employee must be approved in advance by the Director, OHR, or the IG, as appropriate.

Any change to the home leave period stated in the departure notice cable, but within the 20 day minimum/45 day maximum, must be approved in advance by the office where the employee's timekeeping is performed. The approved changes must be documented by one of the following:

- a. Cable authorization;
- b. An amended Travel Schedule and Projected Leave Charges (**Form AID 760-23**) [**Note: This form is only available on the USAID intranet Forms Page.**];
- c. An OPM Form 71 (See [Form 71](#)); or
- d. A letter or memorandum from the approving officer.

If prior approval is not obtained and the reasons for extension are unacceptable to the approving office, leave taken in excess of that authorized in the departure notice cable will be charged to annual leave if the employee has a positive annual leave balance, otherwise it will be charged to LWOP.

#### **480.3.5.4 Repayment of Cost of Home Leave**

Effective Date: 12/15/1999

The Director, OHR, or the IG may waive repayment for reasons outlined in 3 FAM 3438.1. (See [3 FAM 3438.1](#))

*\*Text highlighted in yellow indicates that the adjacent material is new or substantively revised.*

#### **480.3.5.5 Local Holidays**

Effective Date: 12/15/1999

Employees are not eligible for local holidays that occur while they are on home leave from an overseas mission to which they are assigned. (See [3 FAM 3418.2](#))

#### **480.3.5.6 Interruption of Home Leave**

Effective Date: 08/14/2002

The intent of home leave is that it be taken in one continuous period. However, in some cases, this period may have to be interrupted for training, consultation, community relations programs or other circumstances subject to approval as set forth below. (See [3 FAM 3434.4](#))

For home leave/return to post orders for FS employees, Missions are authorized to approve fragmentation of home leave for such purposes as noted above. Missions are expected to document in writing any decision made to fragment home leave. For home leave/return to post orders for SMG employees, requests for fragmentation of home leave are approved by OHR/EM in coordination with the appropriate Bureau AA.

All requests for fragmentation of home leave in conjunction with home leave/transfer orders, are approved by the appropriate servicing division in OHR (ELR or EM).

#### **480.3.6 Military Leave**

Effective Date: 12/15/1999

USAID complies with the policy and essential procedures outlined in 3 FAM 3440 and 3 FAH-1 H-3440. (See [3 FAM 3440](#) and [3 FAH-1 H-3440](#))

- a. Employees who are members of a Reserve component of the Armed Forces or the National Guard must forward a copy of their appointment orders for inclusion in their personnel folders, the Office of Human Resources, Employee and Labor Relations Division (OHR/ELR) for FS and CS employees.
- b. When an employee is no longer an active member of the Reserves or National Guard, they must notify OHR/ELR.
- c. An OPM Form 71 accompanied by a copy of the employee's active duty orders must be used to request military leave.

#### **480.3.7 Court Leave**

Effective Date: 12/15/1999

USAID complies with the policy and essential procedures outlined in 3 FAM 3450 and 3 FAH-1 H-3450. (See [3 FAM 3450](#) and [3 FAH-1 H-3450](#))

*\*Text highlighted in yellow indicates that the adjacent material is new or substantively revised.*



#### **480.3.8 Other Absences on Paid Status**

Effective Date: 12/15/1999

USAID complies with the policy and essential procedures outlined in 3 FAM 3460 and 3 FAH-1 H-3460. (See [3 FAM 3460](#) and [3 FAH-1 H-1](#))

##### **480.3.8.1 Transit Time**

Effective Date: 12/15/1999

USAID complies with the policy and essential procedures outlined in 3 FAM 3461. (See [3 FAM 3461](#))

##### **480.3.8.2 Funeral Leave**

Effective Date: 12/15/1999

USAID complies with the policy and essential procedures outlined in 3 FAM 3463 and 3 FAH-1 H-3466. (See [3 FAM 3463](#) and [3 FAH-1 H-3466](#))

##### **480.3.8.3 Leave for Religious Holidays**

Effective Date: 12/15/1999

USAID complies with the policy and essential procedures outlined in 3 FAM 3464. (See [3 FAM 3464](#))

##### **480.3.8.4 Absences Resulting From Hostile Action Abroad**

Effective Date: 12/15/1999

USAID complies with the policy and essential procedures outlined in 3 FAM 3465. (See [3 FAM 3465](#))

##### **480.3.8.5 Packing and Unpacking Effects**

Effective Date: 12/15/1999

The Agency adheres to the provisions of the Foreign Affairs Handbook in allowing supervisors to excuse a member of the Service to be present at the member's residence for a period not to exceed 16 work-hours for packing and eight hours for unpacking when required by and in connection with the member's:

- a. Permanent transfer abroad;
- b. Transfer from one post to another;
- c. Transfer from abroad to an assignment in the U.S.; or
- d. Transfer between domestic assignments located more than 100 miles apart.

*\*Text highlighted in yellow indicates that the adjacent material is new or substantively revised.*

In exceptional circumstances, where the member can document the need for more time for packing or unpacking, a supervisor may excuse up to an additional 16 work-hours for packing and 8 work-hours for unpacking. The leave periods need not be consecutive. Absence for this purpose in excess of the specified periods in the preceding sections must be charged to annual leave or to leave without pay. (See [3 FAH-1 H-3465](#))

#### **480.3.8.6 Excused Absence**

Effective Date: 12/15/1999

Including general excused absences, voting, and registering. (See [3 FAM 3462](#) and [3 FAH-1 H-3461](#)) Other Excused absence: Absence from duty that is administratively authorized or approved, does not fall into one of the previous categories and does not result in a charge to leave of any kind or in loss of basic salary. (Also, referred to as administrative leave). Decisions to grant such leave are made by the first line supervisor on a case-by-case basis. Examples include.

- a.** Ceremonies of the U.S. Government Employees may be excused to attend ceremonies and official functions of the U.S. Government, which are of sufficient importance to warrant the attendance of the employees involved.
- b.** Non-U.S. Government Civic Ceremonies Employees may be granted excused absence, generally less than half of a workday, to participate in civil activities which the Government is interested in recognizing or encouraging, e.g., Boy Scout ceremonies, a dedication of memorials.
- c.** Conferences or Conventions Supervisors may grant employees excused absences to attend conferences or conventions when attendance will serve the best interests of the Federal service. Excused absence may be restricted to those situations in which the employee is a contributor on the agenda.
- d.** Physical Fitness Supervisors may grant employees excused absences for short periods for participating in officially sponsored and administered physical fitness programs (typically one-time, or annual, i.e., non-recurring events).
- e.** Volunteer Activities In limited circumstances, employees may be granted Administrative Leave for short periods of time by the supervisor to participate in volunteer activities. As a general rule, supervisors may grant up to three workdays of excused absence in a calendar year for employee participation in volunteer activities that are:
  - (1)** Directly related to the Agency's mission;
  - (2)** Officially sponsored or endorsed by the Agency;
  - (3)** Enhance the professional development and/or skills of employees

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in their current positions; and/or

(4) Determined to be in the interest of the Agency.

f. The Agency shall adhere to guidance provided by the U.S. Office of Personnel Management when government-wide closure or early dismissal decisions are announced affecting Federal agencies in the Washington metropolitan area. The Agency will issue a notice to USAID/W employees each year to inform them of emergency dismissal or closure procedures for adverse weather conditions, power failures, and other emergency situations.

#### **480.3.9 Officers Exempt From Leave**

Effective Date: 12/15/1999

The Agency assigns employees to the positions of Mission Directors, Deputy Mission Directors, USAID Representatives, or USAID Affairs Officers under authority of the Foreign Service Act of 1980, as amended. Consequently, these employees are covered by the leave laws, and the policies and essential procedures of this chapter.

Notwithstanding Agency practice in this regard, the President may appoint employees to these positions under authority of 22 USC 2391 (Section 631 of the FAA of 1961, as amended). An employee who is appointed under this authority is exempt from leave laws if the appointee is:

- A member of the SFS appointed after December 22, 1987, and prior to October 28, 1991;
- Appointed from outside the FS who is not otherwise covered by the leave laws; or

USAID policies on the exemption of employees from leave laws are detailed in 3 FAM 3320 and 3 FAH-1 H-3320. (See [3 FAM 3320](#) and [3 FAH-1 H-3320](#))

#### **480.3.10 Disposition of Leave Balances**

Effective Date: 12/15/1999

USAID complies with the policies and procedures governing the disposition of leave balances as set out in 3 FAM 3330 (See [3 FAM 3330](#)).

#### **480.3.11 Leave Without Pay (LWOP)**

Effective Date: 10/05/2011

For more information on Family Support Policy To Same-Sex Domestic Partners of Federal Employees, please see [480maa, Extension of 24-Hour Leave Without Pay \(LWOP\) Family Support Policy To Same-Sex Domestic Partners of Federal Employees.](#)

*\*Text highlighted in yellow indicates that the adjacent material is new or substantively revised.*

For more information on LWOP, please see [480mae, Leave without Pay \(LWOP\)](#).

LWOP is temporary non-pay, non-duty status requested by the employee. It is an approved, legitimate use of leave not to be confused with absence without leave (AWOL) as described in ADS 480.3.13. Except as specifically noted in this section or in 480.3.11, USAID complies with the policies and essential procedures pertaining to LWOP as detailed in 3 FAM 3510 and 3 FAH-1 H-3510. (See [3 FAM 3510](#) and [3 FAH-1 H-3510](#))

FS career candidate's use of LWOP is to be restricted because LWOP of 80 hours or more cannot be counted as part of the four-year trial period in the five-year limited appointment. Excessive use of LWOP by FS career candidates will adversely affect an employee's four-year qualification requirement for tenuring. LWOP of 80 hours or more in a leave year will be granted only for compassionate reasons (e.g., illness, personal emergencies), and will not count toward the four-year trial period for FS career candidates.

Employees who remain on LWOP for more than one year will lose eligibility for enrollment in the Federal Health Benefits program.

All LWOP requests must be made in writing on an OPM Form 71 and must include the reason for the request, and proposed beginning and end dates. Requests shall be approved as follows:

- a. FS and CS Employees: The following approvals are required for LWOP from both CS and FS employees of USAID. These procedures supplement 3 FAM 3511.1-1 and 3 FAM 3511.2.

*\*Text highlighted in yellow indicates that the adjacent material is new or substantively revised.*

LWOP Requested	Approving Officer
<i>For overseas employees:</i>	
30 days or less	Mission Director
More than 30 days but not to exceed 90 days	Mission Director with advance notification of OHR/EM or OHR/ELR
<b><u>More than 90 days</u></b>	Mission concurrence is required before Chief, OHR/ELR or OHR/EM can approve
<i>For USAID/W employees:</i>	
30 days or less	Second level supervisor
More than 30 days but not to exceed 90 days	Head of Office or Bureau AA (which may be delegated to DAA) with advance notification of OHR/ELR or OHR/EM required
More than 90 days	Bureau/Office concurrence is required before Chief, OHR/ELR or OHR/EM can approve

**b.** FS Career Candidates: For up to 80 hours, a written request is submitted through the supervisor to the manager (second-level supervisor, division chief, or above) for approval. A request for 80 hours or more, not to exceed 90 days, must be submitted to the Assistant Administrator/Head of Office through the employee's principal officer and must be cleared by OHR/ELR. LWOP must not be approved if it places a FS career candidate in jeopardy of separation before tenuring requirements are met due to expiration of the five-year appointment. Time in LWOP status of less than 80 hours in one year will not affect the four-year trial period for FS career candidates.

#### **480.3.12 Absence Without Leave (AWOL)**

Effective Date: 12/15/1999

AWOL is an absence from duty that is not authorized or for which a request for leave was denied. The employee receives no pay for the period of absence. Disciplinary action may be taken if the absence is not later excused. If the circumstances surrounding the absence are such that the absence would have been approved, the AWOL may be excused and charged to the appropriate approved leave account. USAID complies with the policies and procedures governing the Absence without leave as set out in 3 FAM 3520 (See [3 FAM 3520](#)).

*\*Text highlighted in yellow indicates that the adjacent material is new or substantively revised.*

**480.4**      **MANDATORY REFERENCES**

**480.4.1**      **External Mandatory References**

Effective Date: 12/15/1999

- a.    [3 FAH-1 H-3320](#)
- b.    [3 FAH-1 H-3420 through H-3460](#)
- c.    [3 FAH-1 H-3465](#)
- d.    [3 FAH-1 H-3510](#)
- e.    [3 FAM 3300 \(Leave Administration\)](#) (This is an authority for this chapter.)
- f.    [3 FAM 3313](#)
- g.    [3 FAM 3320 \(Officers Exempted from Leave Act\)](#) (This is an authority for this chapter.)
- h.    [3 FAM 3400 \(Paid Leave\)](#) (This is an authority for this chapter.)
- i.    [3 FAM 3410 through 3 FAM 3460](#)
- j.    [3 FAM 3500 \(Unpaid Leave\)](#) (This is an authority for this chapter.)
- k.    [3 FAM 3510 through 3520](#)
- l.    [5 CFR 630 Absence and Leave](#) (This is an authority for this chapter.)
- m.    [5 CFR 630.301](#)
- n.    [5 CFR 630.302](#)
- o.    [5 USC 6301-6304 \(Annual Leave\)](#) (This is an authority for this chapter.)
- p.    [5 USC 6305 \(Home Leave\)](#) (This is an authority for this chapter.)
- q.    [22 USC 2391 Missions and Staffs Abroad](#) (This is an authority for this chapter.)

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r. [FSA of 1980 as amended, Sec. 901 \(Travel and Related Expenses\)](#)

**480.4.2 Internal Mandatory References**

Effective Date: 12/15/1999

- a. [ADS 436maa, New Home Leave Policy for 12-Month Overseas Assignments](#)
- b. [ADS 470, Pay Under the Foreign Service](#)
- c. [ADS 471, Pay Under the General Schedule](#)
- d. [ADS 472mae, Recent Developments in Human Resources Policy: CS 10-Day Excused Absence, Emergency Visitation Travel \(EVT\), Assisting Members of Households \(MOHs\), Overtime Work, and Family and Medical Leave](#)
- e. [ADS 472maf, Recent Developments in Leave](#)
- f. [ADS 480maa, Extension of 24-Hour Leave Without Pay \(LWOP\) Family Support Policy To Same-Sex Domestic Partners of Federal Employees](#)
- g. [ADS 480mab, Provision for Crediting Prior Service for Determining Annual Leave Accrual Rate](#)
- h. [ADS 480mac, New Definitions of Family Member, Immediate Relative, and Related Terms for Leave Purposes](#)
- i. [ADS 480mad, Leave Flexibilities for Employees Affected by H1N1 Influenza](#)
- j. [ADS 480mae, Leave without Pay \(LWOP\)](#)
- k. [ADS 480maf, Recent Developments in Leave, to be included in ADS 480](#)
- l. [ADS 480mag, New Provision for Crediting Prior Service for Determining Annual Leave Accrual Rate](#)
- m. [ADS 480mah, Changes to Use of Sick Leave for Family Care or Bereavement Purposes](#)

**480.5 ADDITIONAL HELP**

Effective Date: 12/15/1999

There are no Additional Help documents for this chapter.

*\*Text highlighted in yellow indicates that the adjacent material is new or substantively revised.*

## **480.6 DEFINITIONS**

Effective Date: 12/15/1999

The terms and definitions listed below have been incorporated into the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

### **administrative error**

An error due to the failure to follow Agency policies and essential procedures that results in loss of annual leave through no fault of the employee, or an error made on official leave records. (Chapter 480)

### **Approving Officer**

The person, usually a supervisor, responsible for administering leaves for employees in a work unit. (Chapter 480)

### **Decision Officer**

The officer designated by the Administrator who is responsible for determining that an exigency of the public business exists, and that there is no alternative to cancellation of approved leave.

Decision officers are (a) assistant administrators and heads of Directorates, and independent offices reporting directly to the Administrator or an associate administrator, and (b) heads of overseas Posts (limited to determining that an exigency exists and concurring to cancellation of scheduled leave by approving officer). If the officer's leave is affected or if the decision officer approved the leave in question, the decision authority passes to the next higher level. (Chapter 480)

### **exempt from leave**

Individuals who are not covered by the leave laws by virtue of the nature of their appointment and consequently do not accrue or use annual, sick, or home leave. (Chapter 480)

### **exigency of the public business**

An operational demand beyond the Agency's control and of such importance as to preclude the use of scheduled annual leave. Examples: insurrection, violence, natural or man-made disasters, medical evacuation, emergency visitation, or sudden call to jury or military duty. Normal workload, inadequate staffing, absence of other employees, and poor leave planning do not constitute an exigency of the public business and are not justifications for canceling scheduled leave. (Chapter 480)

### **extended exigency**

An exigency of such significance as to threaten national security, safety, or welfare, that lasts more than three calendar years, that affects a segment of the Agency or occupational class, or that precludes subsequent use of both restored and accrued leave within specified time limits. (Chapter 480)

*\*Text highlighted in yellow indicates that the adjacent material is new or substantively revised.*



**forfeited annual leave**

Leave that exceeds an employee's ceiling at the end of the leave year. (Chapter 480)

**resident hire employees**

USAID Foreign Service (FS) employees who are unable to accept all the obligations of a long-term, worldwide career service, or who reside in the country of assignment primarily for reasons other than employment in the Foreign Service, who are (a) A dependent of a U.S. citizen employed overseas who is at least 18 years of age and who is expected to remain at a post only for the duration of the employee's assignment or a vacation period, (b) U.S. citizen who resides in a country primarily for reasons other than employment with a U.S. Government agency, (c) An employee who, for personal reasons, is unwilling to transfer to another post. (Chapters 480, 499)

**restored annual leave**

Leave that was forfeited but is approved for restoration and placed in a separate leave account. (Chapter 480)

**scheduled annual leave**

Leave requested and approved in advance in writing on an Application for Leave or Approved Absence (OPM Form 71). (Chapter 480)

**work unit**

An office, staff, or other unit below the Bureau or independent office. (Chapter 480)

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